

REMARKS

Claims 1, 3, 10-42, 44, and 51-82 are pending in the application. Applicant respectfully requests allowance of the claims and consideration of the following remarks.

Rejections Based Upon 35 U.S.C. § 112

The recent Office Action rejects independent claims 1 and 42, and their dependent claims, as failing to comply with the written description requirement. Applicant respectfully traverses the rejection for the following reasons.

Independent claim 1 provides for dynamically configuring a MAC for two different services. A first service is requested. A first number of channels of a MAC layer are identified for the first service. Then, a second service is requested, wherein the second service is different from the first service. It is then determined whether the second service has a higher priority than the first service. In response to an affirmative determination that the second service has a higher priority than the first service, the MAC layer is dynamically configured to accommodate the higher priority of the second service. To do so, the first number of channels allocated to the first service is reduced, and a second number of channels is allocated to the second service. The first and second services are then provided over the wireless link using the dynamically configured MAC layer.

Applicant's Specification contains support for each and every element of claim 1. FIG. 7 and its accompanying description describe allocating a portion of the MAC layer to an Internet session (page 14, line 22 to page 15, line 16). The *Internet session* is a *first service*. At Step 710, the CC 522 identifies positions in the MAC for the requested Internet session. Step 710 is described in detail by FIGS. 8 and 9 (page 14, line 24). FIG. 6 and its accompanying description describe allocating a portion of the MAC layer for a subscriber call (page 12, lines 7-26). The *call* is a *second service*. At Step 610, the CAC 522 identifies positions in the MAC for upstream and down stream voice communications. Step 610 is also described in detail by FIGS. 8 and 9 (page 12, lines 25 and 26).

FIG. 8 and 9 and their accompanying description describe determining if the second service has a higher priority than the first service. Specifically, MAC allocation

rules are generated and modified based on control objectives. These control objectives are, for example, to exchange *high priority* traffic, and to reduce *low priority* traffic during peak times (page 16, lines 1-7). Applying such rules and objectives to the provided Internet session and voice call, the Internet session has a lower priority than the voice call. Therefore, in accordance with the control objectives, the voice call is allocated more channels of the MAC than the Internet session. However, because the Internet session was established before the voice call, the channels previously allocated to the Internet session must be changed in midstream. Therefore, the channels allocated to the Internet session are *reduced* to provide sufficient channels for the higher priority voice call.

As illustrated, FIGS. 6 and 7, along with FIGS. 8 and 9, provide full support for claim 1. Claim 42 contains limitations similar to those of claim 1 and is therefore also fully supported for the same reasons as claim 1. Applicant forgoes a discussion of the dependent claims in view of their dependence from allowable independent claims.

Rejections Based Upon 35 U.S.C. § 102(b)

Claims 1, 3, 10-42, 44, and 51-82 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,638,371 (Raychaudhuri et al). Applicant respectfully traverses the rejection.

Amended independent claim 1 recites identifying a first number of channels in a section of a MAC for a first communication service and then *reducing* the first number of channels for the first communication service upon identifying a second number of channels for a second communication service wherein the second communication service has a higher priority than the first communication service.

The recent Office Action cites Raychaudhuri, col. 11, lines 50-59 as disclosing elements of claim 1. However, this portion of Raychaudhuri explicitly *teaches away* from the claimed invention. At col. 11, lines 58 and 59, Raychaudhuri teaches that *a schedule order is determined based upon a predetermined priority scheme*. In contrast, claim 1 recites a truly dynamic priority scheme whereby sections of the MAC are allocated based upon a fluid and ever changing priority scheme. Thus, the channels

initially allocated to the first service in claim 1 are *reduced* upon entrance of the second service.

Independent claim 42 contains limitations similar to claim 1 and is therefore allowable over the prior art. The dependent claims contain limitations that render them separately allowable over the prior art. However, for the sake of brevity and because the dependent claims depend from allowable independent claims, applicant forgoes such a discussion.

CONCLUSION

The claims in their present form are allowable over the art of record. Applicant therefore solicits their allowance. A one month extension is requested and authorized. Any fees in addition to those submitted may be charged to deposit account 21-0765.

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